

REMARKS

Applicant respectfully requests the Examiner to withdraw the finality of the outstanding objection and rejections and reconsider the merits of the objection and rejections in view of the foregoing amendments and following remarks.

Upon entry of the foregoing amendment, claims 1, 50-80 and 82-93 are pending. Claims 94 and 95 are canceled without prejudice to or disclaimer of the subject matter contained therein.

Applicant respectfully requests entry of the above amendment and submits that the above amendment does not constitute new matter.

I. Submission of Translation of Certified Copy of Priority Document

Applicant thanks the Examiner for pointing out that an English translation of the certified copy of French Patent Application No. 98/10338 (the "FR '338 patent application"), to which the instant Application claims priority, has not yet been filed at the U.S. Patent and Trademark Office in the instant Application. Consequently, in accordance with M.P.E.P. § 201.15, 200-91 (8th ed., rev. no. 2), Applicant submits an English translation of the FR '338 patent application concurrently with the instant Amendment and Reply together with a Statement that the translation of the certified copy is accurate.

II. Rejections

A. Rejection under 35 U.S.C. § 102

The Office Action states that claim 94 is rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,143,527, issued to Pachuk et al. (the "Pachuk '527 patent"). Applicant has canceled claim 94. Therefore, the rejection of claim 94 under § 102(e) as anticipated by the Pachuk '527 patent has been rendered moot.

The Office Action next states that claims 1, 50-79, 82-87 and 92-95 are rejected under § 102(e) as anticipated by U.S. Patent No. 6,376,246, issued to Crameri et al. (the "Crameri '246 patent").

Applicant has canceled claims 94 and 95, thus rendering moot the rejection of claims 94 and 95 under § 102(e) as anticipated by the Crameri '246 patent.

According to the face of the Crameri '246 patent, the Crameri '246 patent was filed on September 28, 1999 and claims priority to a U.S. provisional application that was filed on

February 5, 1999. The instant Application claims priority to the FR '338 patent application, which was filed on August 12, 1998. As demonstrated by Applicant's submission herewith of a translation of the certified copy of the FR '338 patent application, claims 1, 50-79, 82-87, 92 and 93 of the instant Application receive a priority date of August 12, 1998. Consequently, Applicant respectfully submits that the Crameri '246 patent is not prior art to claims 1, 50-79, 82-87, 92 and 93, as the Crameri '246 patent claims a priority date of February 5, 1999, which is later than the date to which the instant Application claims priority.

Thus, Applicant believes that the rejection of claims 1, 50-79, 82-87 and 92-95 is rendered moot at least for the reasons discussed above. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of pending claims 1, 50-79, 82-87 and 92-95 under § 102(e).

B. Rejection under 35 U.S.C. § 103

The Office Action states that claim 80 is rejected under 35 U.S.C. § 103(a) as unpatentable over the Crameri '246 patent in view of U.S. Patent No. 5,830,721, issued to Stemmer et al. (the "Stemmer '721 patent").

As discussed above, the instant Application has a priority date of August 12, 1998. Thus, as shown by Applicant's submission herewith of a translation of the certified copy of the FR '338 patent application, claim 80 of the instant Application receives a priority date of August 12, 1998, which is before the date of February 5, 1999 to which the Crameri '246 patent claims priority. Hence, the Crameri '246 patent does not qualify as prior art to claim 80 of the instant Application. Consequently, for at least this reason, the rejection of claim 80 under 35 U.S.C. § 103(a) over the Crameri '246 patent in view of the Stemmer '721 patent is believed to have been rendered moot. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 80 under § 103(a).

III. Objection

The Office Action states that claims 88-91 are objected to for being dependent on a rejected claim. Applicant respectfully submits that the rejection of claim 1, from which claims 88-91 directly or indirectly depend, has been rendered moot in view of the above discussion. Accordingly, the objection to claims 88-91 has also been rendered moot.

IV. Conclusion

Applicant respectfully requests entry of the above claim amendment.

All of the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding final Office Action.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

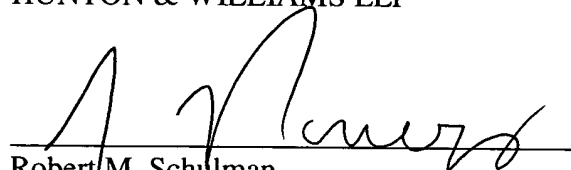
No fee is believed to be required for entry and consideration of this timely Amendment and Reply. Nevertheless, in the event that the U.S.P.T.O. requires a fee to enter this Amendment and Reply or to maintain the present application pending, please charge such fee to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: July 20, 2005

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